

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JEAN FAINBRUN,

CV-05-4364

Plaintiff,

-against-

AFFIDAVIT IN SUPPORT
OF CROSS MOTION FOR
SUMMARY JUDGMENT

SOUTHWEST CREDIT SYSTEMS, L.P.,

Defendant.

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STATE OF NEW YORK)
) ss.:
COUNTY OF ROCKLAND)

ARTHUR SANDERS, being duly sworn, deposes and says:

1. I am an attorney duly admitted to practice before this Court and I am attorney for defendant, Southwest Credit Systems, L.P. ("Southwest") in the above captioned matter. As such, I am fully familiar with the facts and proceedings heretofore had herein.

2. This affidavit is submitted in support of Southwest's cross motion for summary judgment, pursuant to Federal Rules of Civil Procedure 56. This affidavit is also submitted in opposition to plaintiff's motion for summary judgment pursuant to Federal Rule of Civil Procedure 56.

3. Plaintiff commenced this action on or about September 15, 2005 by the filing of a complaint with the United States District Court for the Eastern District of New York. A copy of the complaint is annexed hereto as Exhibit "A".

4. In the complaint, plaintiff claims that Southwest violated the Fair Debt Collection Practices Act ("FDCPA"). Specifically, plaintiff takes issue with a single letter addressed to her, which, as discussed more fully in the accompanying memorandum of law, properly complied with all of the requirements and protections provided to consumers under 15 U.S.C. § 1692 *et seq.*

5. The plaintiff has not and cannot demonstrate that Southwest used any false representation or deceptive means to collect or attempt to collect a debt or obtain information about the plaintiff.

6. Plaintiff has not stated a claim under 15 U.S.C. Section 1692(e) upon which relief can be granted.

WHEREFORE, it is respectfully requested that this Court issue an order granting Southwest summary judgment, together with such other and further relief as this Court deems just and proper.

/S/
ARTHUR SANDERS, ESQ.

Sworn to before me this
21st day of November 2006.

/S/
Notary Public